

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

RICHARD A. ORR,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Case No. 7:07CV00028

OPINION

By: James P. Jones

Chief United States District Judge

Richard A. Orr, petitioner pro se.

The petitioner, a federal inmate proceeding pro se, filed a pleading that I construe as a Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West Supp. 2006), based on the nature of the claim. Upon review of the motion and court records, I find that the motion must be dismissed as successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255 para. 8. Petitioner previously filed a § 2255 motion, which I denied. *Orr v. United States*, No. 7:02CV01101 (W.D. Va. May 19, 2004), *appeal dismissed*, No. 04-6962 (4th Cir. Dec. 6, 2004). As the petitioner offers no indication that he has obtained certification

from the court of appeals to file a second or successive § 2255 motion, I must dismiss his current action without prejudice.¹ A separate Final Order will be entered herewith.

ENTER: February 1, 2007

/s/ JAMES P. JONES
Chief United States District Judge

¹ To obtain certification from the Fourth Circuit, the petitioner must submit a copy of the § 2255 motion to the court of appeals, along with a motion requesting certification for the district court to review a successive § 2255 motion. *See* 28 U.S.C.A § 2244 (West Supp. 2006). Petitioner may write to request a form and instructions for filing this motion at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.